

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
ANTHONY RAPP, et ano.,

Plaintiff,

-against-

20-cv-9586 (LAK)

KEVIN SPACEY FOWLER,

Defendant.
----- x

ORDER

LEWIS A. KAPLAN, *District Judge*.

On November 23, 2021, plaintiff served his second request for production of documents. Dkt 148-3. The request seeks materials relating to a now concluded arbitration between the defendant and the producers of the Netflix *House of Cards* television series in which the defendant starred and from which he was fired after CNN reported that a number of people involved with the show had complained of sexual harassment by the defendant. Defendant objected to the request on December 23, 2021 in part on the ground that the materials in question are confidential under a protective order entered in the arbitration. Dkt 148-4. Nearly two months later, and just two days before the expiration of the already extended discovery cutoff, plaintiff moved, *inter alia*, to compel production of documents relating to the arbitration. Dkt 148.

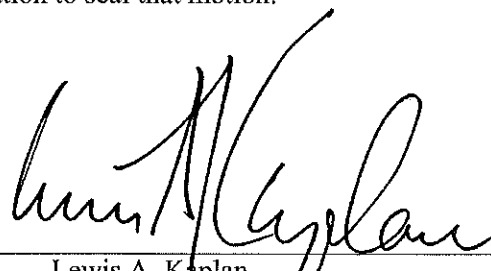
Among the materials plaintiff seeks are transcripts of depositions and hearing testimony by a number of witnesses identified at pages 20 through 28 of the final award, which has been submitted for *in camera* review.

All of these witnesses allegedly expressed concern, directly or through counsel, that they might suffer if their names and their involvement in the arbitration were to become public. All allegedly received some assurances in that regard.

In the circumstances, the defendant shall cause each of these witnesses to be notified by overnight delivery that (1) a motion has been made in this action to compel disclosure of the witness's identity and testimony and (2) the witness has a right to seek to intervene and express his views with respect to the pending motion provided that any such motion is filed no later than April 3, 2022. The notice to each shall include copies of plaintiff's moving papers and defendant's responsive papers. It shall inform the recipient also that any motion to intervene may be accompanied by an application to seal that motion.

SO ORDERED.

Dated: March 15, 2022



Lewis A. Kaplan
United States District Judge

